

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D12556
C/cb

_____AD3d_____

A. GAIL PRUDENTI, P.J.
ANITA R. FLORIO
HOWARD MILLER
ROBERT W. SCHMIDT, JJ.

1994-10669

DECISION & ORDER

The People, etc., respondent,
v Roderick Spencer, appellant.

(Ind. No. 4544/84)

Roderick Spencer, Warwick, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Cynthia Kean, and Helen M. Polyzos of counsel), for respondent.

Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this court dated January 30, 1989 (*People v Spencer*, 146 AD2d 817), affirming a judgment of the Supreme Court, Kings County, rendered November 4, 1985.

ORDERED that the application is denied.

The appellant has failed to establish that he was denied the effective assistance of appellate counsel (*see Jones v Barnes*, 463 US 745; *People v Stultz*, 2 NY3d 277).

PRUDENTI, P.J., FLORIO, MILLER and SCHMIDT, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 14, 2006

PEOPLE v SPENCER, RODERICK